

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JANUARY 17, 2006
7:00 P.M.**

ROLLCALL Answering rollcall were Members Housh, Hulbert, Masica, Swenson and Mayor Hovland.

RESOLUTION NO. 2006-13 - ACCEPTING ROTARY DONATION TO PARK AND RECREATION DEPARTMENT Dan Mott, 5728 Steven Avenue, presented a check in the amount of \$1,500.00 to the Edina Park and Recreation Department to defray costs of transportation for persons to utilize the City's parks during the summer.

Member Masica introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2006-13
ACCEPTING EDINA ROTARY DONATION
ON BEHALF OF THE CITY OF EDINA**

WHEREAS, Minnesota Statute 465.03 allows cities to accept grants and donations or real or personal property for the benefit of its citizens;

WHEREAS, said donations must be accepted via a resolution of the Council adopted by a two thirds majority of its members.

NOW, THEREFORE, BE IT RESOLVED, that the Edina City Council accepts with sincere appreciation the following listed donation on behalf of its citizens to the Edina Park Department.

Edina Noon Rotary Club	\$1,500.00	Transportation to Summer Parks Program
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Dated: January 17, 2006

Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

CONSENT AGENDA ADOPTED Motion of Member Swenson seconded by Member Hulbert approving the Council Consent Agenda as presented with the following exceptions: Item III. A. Automated Cablecast System, and Item VI. A. Receive Petition from Bertram Minor requesting Street, Curb, Gutter, Sidewalk, Storm Sewer, Watermain and Street Lighting for 7311 France Avenue South.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***MINUTES OF THE REGULAR AND SPECIAL MEETINGS OF JANUARY 3, 2006** Motion made by Member Swenson and seconded by Member Hulbert approving the Minutes of the Regular and Special Meetings of January 3, 2006.

Motion carried on rollcall vote - five ayes.

RESOLUTION 2006-14 ADOPTED GRANTING PRELIMINARY PLAT - FREY ADDITION, 5201 SCHAEFER ROAD Affidavits of Notice were presented, approved and ordered place on file.

Planner Larsen stated the requested subdivision would create one new buildable lot at 5201 Schaefer Road. He said the property was a single dwelling lot measuring approximately 160 feet by 600 feet, with an existing home fronting Schaefer Road. The rear of the lot abuts Fox Meadow Lane.

Mr. Larsen said the proponents; Eugene and Mary Frey have agreed to purchase the new lot for use as a buffer to their home on Fox Meadow Drive. They do not intend to develop it presently.

Mr. Larsen reported the following median sizes and dimensions for the 500 foot neighborhood:

	Width	Depth	Area
	145 feet	303 feet	48,397 SF
<u>Proposed Lots</u>			
Lot 1	160 feet	322 feet	53,468 SF
Lot 2	163 feet	303 feet	50,390 SF

Mr. Larsen said the proposed subdivision was similar to other subdivisions of large lots in the area of Schaefer Road. He added no variances were needed and there were no existing natural conditions limiting development. Mr. Larsen reported the Planning Commission unanimously recommended Council grant the requested Preliminary Plat subject to Final Plat and subdivision dedication.

Member Swenson asked if there might need to be an extension of Fox Meadow Lane and whose cost it would be if an extension became necessary. Mr. Larsen agreed it was possible the street would need to be extended, adding it would be the lot owner's expense to accomplish any needed changes to the roadway.

James Frey, 5017 Oak Bend Lane, speaking on behalf of his father, Eugene Frey, stated his parent's intent was to purchase the lot and maintain it in a vacant condition.

No public comment was received.

Member Masica made a motion to close the public hearing. Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Swenson made a motion introducing the following resolution granting Preliminary Plat to Frey's North Addition, conditioned upon: 1) the lot owner bearing any costs of extension of Fox Meadow Lane, 2) no variances necessary; and 3) subdivision dedication:

**RESOLUTION NO. 2006-14
GRANTING PRELIMINARY PLAT
FREY'S NORTH ADDITION
5201 SCHAEFER ROAD**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "FREY'S NORTH ADDITION", presented at the regular meeting of the City Council on January 17, 2006, be and is hereby granted preliminary plat approval.

Member Masica seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***APPLICATION WITHDRAWN - PRELIMINARY PLAT APPROVAL LOUIS AND PATRICIA STARITA, 604 BLAKE ROAD** Motion made by Member Swenson and seconded by Member Hulbert accepting the withdrawal of the application for a Preliminary Plat for Louis and Patricia Starita, 604 Blake Road.

Motion carried on rollcall vote - five ayes.

PRESENTATION OF PROPOSED DEVELOPMENT - GABBERT & BECK/RYAN COMPANIES, 3510 GALLERIA Warren Beck, Gabbert and Beck, owners of the Galleria, introduced the development team for the proposed 18-story hotel and condominium project proposed near 69th Street and York Avenue, east of the Galleria. Members of the team included Mark Swenson, ESG Architects; Tracey Jacque, ESG Architects; Colin Barr, Ryan Companies; John Diedrick, RLK Traffic; and Paul Wischermann, Wischermann Partners, Inc., hotel consultant.

Tracey Jacque, ESG Architects, project architect, reviewed the proposal which included a 225-room Westin hotel, 79 condominium units, a restaurant, meeting room, a bar and a courtyard which would be open to the public facing the Galleria Center. The project would be 18 stories with the first floor consisting of common space for both the hotel and condo units providing amenities such as indoor pool and Jacuzzi, Westin workout and fitness area, spa treatment rooms, lobby bar/breakfast area, restaurant, meeting rooms and condo lobby entry area. Mr. Jacque said that the second through seventh floors would contain the hotel rooms. He said the eighth floor would have a south facing residential terrace with extensive landscaping and water features, and finally the upper floors would contain the condo units.

Colin Barr stated the proponents understood that many issues relating to traffic, parking, infrastructure demand, demographics, height and signage surrounded this project, but stated his hope that all constituents could achieve a consensus.

John Diedrick reviewed the results of the Traffic Study completed by his firm and informed the Council. The Transportation Commission at their December meeting reviewed the Study and approved it.

Correspondence was received from Roberta Thorpe, 6904 Cornelia Drive, stating displeasure with the proposed Gabbert-Beck development.

No formal Council action was taken.

***HEARING DATE SET OF FEBRUARY 7, 2006 - GREATER SOUTHDALE AREA LAND USE AND TRANSPORTATION STUDY** Motion made by Member Swenson and seconded by Member Hulbert setting a hearing date of February 7, 2006, for the Greater Southdale Area Land Use and Transportation Study.

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Motion carried on rollcall vote – five ayes.

AWARD OF BID FOR AUTOMATED CABLECAST SYSTEM Member Masica removed the award of bid for an automated cablecast system from the consent agenda for further information. She inquired whether the same broadcast schedule would be maintained on the new system, asked about the funding source, and what the balance of the City Hall construction fund was. Communications Director Bennerotte explained that until new programming was added, the play back schedule would be maintained. Mr. Hughes said a choice existed that funding could have come from the communications fund franchise fees or the construction fund and it was decided to use the construction funds. Director Wallin said the construction fund presently stood at approximately \$60,000. Mayor Hovland asked for more information on what was being purchased. Ms. Bennerotte said the City would be responsible for the automated cablecast system playback of our own programming. She said, currently, tapes were taken to Time Warner Cable for broadcast, which has historically not been very satisfactory in quality of broadcast.

Member Masica made a motion approving the award of bid for an Automated Cablecast System to recommended low bidder, Alpha Video and Digital at \$25,888.15. Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***BID AWARDED FOR CROWN VICTORIA SQUAD CAR – POLICE DEPARTMENT** Motion made by Member Swenson and seconded by Member Hulbert approving the award of bid for one Police Department Crown Victoria Squad Car to sole bidder, Superior Ford, in the amount of \$21,374.00, for the second canine unit and funded by the Edina Crime Prevention Fund.

Motion carried on rollcall vote – five ayes.

***BID AWARDED FOR CONTRACT NO. 06-1 COUNTRY CLUB/SUNNYSLOPE CURED-IN-PLACE PIPE REHABILITATION, IMPROVEMENT NO. SS-413, SS-428, STS-316** Motion made by Member Swenson and seconded by Member Hulbert approving the award of bid for Contract No. 06-1 Country Club/Sunnyslope cured-in-place rehabilitation, Improvement Nos. SS-413, SS-428, and STS-316 to recommended low bidder, Veit & Company, Inc., at \$130,123.00.

Motion carried on rollcall vote – five ayes.

ADMINISTRATIVE PENALTY UPHELD – APPEAL DENIED, P.F. CHANG’S RESTAURANT Chief Siitari noted that the Police Department conducted liquor compliance checks on December 21, 2005, utilizing underage decoys attempting to purchase alcohol. Two plain-clothes police officers accompanied an 18-year-old man into P.F. Chang’s. Each ordered a beer. The server did not ask for identification and placed three beers at the table.

Mr. Siitari reported that as allowed by Edina Code, P.F. Chang’s management appealed the administrative penalty. He added he did not know the basis of their appeal.

David Richoz, 2625 Quail Avenue South, Golden Valley, Manager of Southdale P.F. Chang’s explained his staff believed the underage decoy was not at the table when the alcohol was ordered. He said his server was on the way to get the manager and inform the manager of a problem with a potential underage drinker and to have the manager check IDs, when the Edina

officer told him they had just failed a compliance check. Mr. Richolz said the server had been terminated per company policy.

Member Hovland asked if the employee was charged. Mr. Siitari said yes a gross misdemeanor criminal violation was being processed against the server while the restaurant received the administrative penalty citation. This citation would be a fine of \$500.00 and loss of fee reduction of \$1,000.00 for passing all compliance checks within the last twenty-four months. Mr. Siitari explained that standard policy was to send all liquor licensees a letter informing them that the Edina Police Department would be conducting compliance checks within the next week to ten days.

Member Masica questioned the day of the week the compliance check was taken. Mr. Siitari said the check was done on a busy Wednesday evening at approximately 7:15 P.M.

The Council heard the appeal, but upheld the Police Department's \$500 fine for the restaurant's sale of an alcoholic beverage to an underage person.

Mr. Richoz acknowledged receipt of the letter stating a compliance check was being planned. Member Masica asked if the server had had alcohol training. Mr. Richoz said yes but he believed there was a degree of entrapment in that the Police officer ordered the beverages.

Brad Phillips, 2525 Blaisdell Avenue, Minneapolis, the server, again told the scenario of the evening of the compliance check.

Member Swenson questioned whether the scenario was accurate. Mr. Siitari said the Police report was not the same and states that each person at the table ordered their own beverage.

Member Housh inquired if other liquor licensees failed the compliance check. Mr. Siitari said of the 34 establishments checked, three businesses received violations.

Member Masica commented that Mr. Richoz has run a reputable, clean business, however, his employees need to be made aware of the importance of not serving alcohol to minors. She believed the penalty should be imposed.

Member Hulbert indicated having a liquor license was a huge responsibility and establishments must be incredibly vigilant.

Member Housh said he concurred with the administrative penalty.

Mayor Hovland encouraged management to regularly communicate with staff about liquor awareness. He said the penalty should be enforced.

Member Housh made a motion denying the appeal of the administrative penalty and upholding the \$500.00 fine to P.F. Chang's Restaurant for sale of an alcoholic beverage to an under-age person. Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

RESOLUTION NO. 2006-10 - ACCEPTING VARIOUS DONATIONS Mayor Hovland asked for an explanation of the first donation on the list, listed as... 'Donation to City of Edina by Gabbert and Beck/CLP Partners - \$3,000.00, for Centennial Lakes Park for Lighthouse Fireworks Display'. Mr. Hughes explained each August, Centennial Lakes Park and the John Phillips Sousa Memorial Band sponsor an event named, 'Lighthouse Night', the last concert of the season. The Model Boat Club has their final regatta of the season at the event that culminates with a brief fireworks display. Mr. Hughes noted for the past 4 - 5 years, Centennial Lakes Partners have sponsored the fireworks display. The donation was the reimbursement for fireworks that took place in August. Mayor Hovland asked who solicited the funds. Mr. Hughes said Scott Crosbie of the Band solicited the donation, similar to the 4th of July Parade and Fairview Southdale Hospital.

Member Masica voiced concern with the timing of accepting the donation from Gabbert and Beck because of the proposal presently before the Council for a potential development at the Galleria. Mr. Hughes said this donation was not from a developer, but from Centennial Lakes Plaza which was a retail establishment within the City. In the past the Council has directed staff to solicit donations to defray expenses. Member Masica said the perception of acceptance of the donation could be misconstrued as an impropriety. Mr. Hughes asked if he should stop soliciting corporate donations. Mayor Hovland reminded the Council that this was a reimbursement for an August fireworks display that has been solicited by the Band and has been done for 4 - 5 years in this manner.

Member Masica said the Council was bound by State Law to not accept anything from anyone that may be a stakeholder in things associated with the City.

Member Swenson commented she would not want to stop seeking donations from corporations because corporations have an interest in making the City a success. She added it was the Council's obligation not to be swayed by any donation.

Member Hulbert said common sense must be the guideline in accepting donations.

Member Housh stated he would not like the solicitation for corporate funds to stop and he did not think the two issues were in any way co-mingled, but if returning the funds to the donor would make everyone comfortable, he would concur.

Mayor Hovland said, this was a reimbursement and he did not believe it exhibited any sense of influence on any possible future decision of the Council.

Mayor Hovland questioned how the motion should be worded to exclude the reimbursement donation. Attorney Gilligan recommended deletion of the reimbursement donation from the resolution prior to its adoption.

Member Masica introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2006-10
ACCEPTING DONATIONS ON
BEHALF OF THE CITY OF EDINA**

WHEREAS, said donations must be accepted via a resolution of the Council adopted by a two thirds majority of its members.

NOW, THEREFORE, BE IT RESOLVED, that the Edina City Council accepts with sincere appreciation the following listed donations on behalf of its citizens.

Donations for Edina Fire Department Equipment as follows:

N.C. Little Memorial Hospice, Inc. \$750.00

Robert and Carolyn Hagen \$1,000.00

Donation to the Braemar Memorial Fund for future Golf Course equipment purchases as follows:

Armond Halweg \$25.00

Vay Stonebraker \$25.00

Roy Wien \$10.00

James R. Allen \$25.00

Duane D. Blake \$25.00

Braemar Men's Club \$300.00

P. Cory Peterson \$50.00

William Cunningham \$30.00

Mark A. Gaasedelen \$50.00

Gene Nord \$25.00

Hugh A. Sweeney \$25.00

John Adams \$25.00

Robert J. Malby \$50.00

Daniel J. Moran \$100.00

Gerald W. Nystrom \$50.00

John Canton \$30.00

Robert F. Teese \$25.00

Gloria L. Strom \$25.00

Robert A. Liebo \$25.00

Emmy Lou Mueller \$20.00

Clarice J. Peet \$100.00

Midwest Investors Inc \$50.00

Donations to Edina Park Department as follows:

David and Beverly Arnold \$70.00 Firearms Safety Training Program

Betty and Woody Cater \$500.00 Edina Art Center

Edina Community Foundation \$1,250.00 Rosland Grants In Aid

Thomas W. Osborn \$500.00 Edina Art Center

R. Patricia Sullivan \$300.00 Edina Art Center

Donation to Public Works Department of a pressure washer from:

U.S. Defense Reutilization and Market

Office/Service \$2,800.00 Value of Pressure Washer

Dated: January 17, 2006. Member Hulbert seconded the motion

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

REAPPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS Mayor Hovland informed the Council that letters had been sent to members of Edina's Boards, Commissions and Committees who were eligible for re-appointment with terms expiring on February 1, 2006. The letter inquired whether the eligible members were interested in being re-appointed. He received affirmative responses to his inquiry with the following members being re-appointed:

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NAME	BOARD/COMMISSION/COMMITTEE	TERM ENDING
Ruth Valgema	Art Center Board	2/1/09
Arlene Forrest	Heritage Preservation Board	2/1/08
Chris Rofidal	Heritage Preservation Board	2/1/08
Idelle Longman	Human Rights/Relations Commission	2/1/09
Andy Otness	Human Rights/Relations Commission	2/1/09
Michael Damman	Park Board	2/1/09
Todd Fronek	Park Board	2/1/09
George Klus	Park Board	2/1/09
Michael Schroeder	Planning Commission	2/1/09
Tim Brownell	Recycling/Solid Waste Commission	2/1/08
William Bryan	Recycling/Solid Waste Commission	2/1/08
Marie Thorpe	Transportation Commission	2/1/09
Les Wanninger	Transportation Commission	2/1/09
Jean White	Transportation Commission	2/1/09
Rodney Hardy	Zoning Board of Appeals	2/1/09
James Nelson	Zoning Board of Appeals	2/1/09

Member Swenson made a motion approving re-appointments to the respective Boards, Commissions, and Committees for term limits as listed above. Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

APPOINTMENT OF CITY PROSECUTOR Mr. Hughes reminded the Council that they directed staff to solicit proposals for prosecution services to determine the alternatives we have for these services. Currently, the law firm providing prosecution services was appointed approximately 20 years ago. We have not surveyed the market in that time.

Mr. Hughes said a Request for Proposal (RFP) was drafted and sent to metro area law firms with experience as municipal prosecutors in Hennepin County. Proposals were received from eight law firms. A four-person committee made up of Council Members Swenson and Hulbert, Police Chief Siitari and himself, reviewed the proposals and narrowed the field to five firms. The incumbent prosecutor was included in the group of five firms that were interviewed by the committee. Criteria that were used for the selection process were experience, cost, administrative support, ancillary services as well as the 'fit' with the community and the City's prosecutorial needs.

Following the interviewing process, the committee recommended the law firm of Bonner and Borhart be appointed as the City Prosecutor with a start date of March 1, 2006. Bonner and Borhart will be represented in Edina by Patrick Leach, who will be the lead prosecutor for that firm. Bonner and Borhart offers high quality prosecution services for a significant reduction in budgeted costs.

Member Swenson said this was a great learning experience and she knows the change was positive.

Member Masica inquired what the annual savings would be with the new law firm. Member Swenson indicated savings could be as much as \$60,000 - \$70,000 annually.

Member Swenson made a motion accepting the services of Bonner and Borhart Law Offices as the City of Edina's Prosecutor, beginning on March 1, 2006. Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***RESOLUTION NO. 2006-11 APPROVED SUPPORTING MOTOR VEHICLE SALES TAX CONSTITUTIONAL AMENDMENT** Motion made by Member Swenson and seconded by Member Hulbert approving the following resolution:

RESOLUTION NO. 2006-11

SUPPORTING A MOTOR VEHICLE

SALES TAX CONSTITUTIONAL AMENDMENT

Whereas, Minnesota's transportation infrastructure forms the backbone of the state's economy and has a direct impact on future economic development; and

Whereas, too many Minnesotans are being killed in traffic crashes on dangerous roadways; and

Whereas, funding for highway and transit systems in Minnesota has remained stagnant and is failing to keep pace with growing population and growing demands; and

Whereas, local governments throughout the state are struggling to maintain local transportation systems while the state's gas tax has not been increased since 1988 and transit budgets have been cut in recent years; and

Whereas, the Minnesota Legislature has repeatedly turned to revenue from the motor vehicle sales tax, which has been viewed as user fee revenue, in order to fund both highway and transit systems including the current dedication of 54% of motor vehicle sales tax for transportation purposes; and

Whereas, the legislature passed a proposed constitutional amendment during the 2005 Legislative Session that would appear on the ballot November 7, 2006 asking voters if the remaining 46% of motor vehicle sales tax revenue currently used for other purposes should be used for highways and transit systems; and

Whereas, passage of this amendment would mean an increase in stable revenue for highway and transit systems throughout the state that would rise to approximately \$300 million per year once the transfer of revenue is fully phased-in by 2011.

NOW, THEREFORE, BE IT RESOLVED, that the I-494 Corridor Commission cities of Edina, Bloomington, Richfield, Minnetonka, Plymouth and Eden Prairie strongly support passage of the proposed amendment to the Minnesota Constitution dedicating all of the motor vehicle sales tax revenue to transportation with at least 40% of the revenue for public transit assistance and no more than 60% of the revenue for highway purposes.

Dated: January 17, 2006.

Motion carried on rollcall vote – five ayes.

***APPROVE TRAFFIC SAFETY REPORT OF JANUARY 3, 2006** Motion made by Member Swenson and seconded by Member Hulbert approving the Traffic Safety Staff Review for January 3, 2006, Section A:

1. Installation of "Disabled Child Area" signs along the 7700 block of Gleason Road; and
2. Placement of "No Parking Anytime" signs on the west side of Vandervork Avenue north of Division Street including the north end cul-de-sac;

and Section B and C.

Motion carried on rollcall vote – five ayes.

***APPROVE CHANGE ORDER NO. 4 - SCHAEFER ROAD STREET & UTILITY IMPROVEMENTS, CONTRACT NO. 05-7** Motion made by Member Swenson and seconded by Member Hulbert approving Change Order No. 4, for Schaefer Road Street and Utility Improvements, Contract No. 05-7 in the amount of \$1,842.50.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2006-12 SETTING HEARING DATE OF FEBRUARY 21, 2006, FOR WATERMAIN IMPROVEMENT PROJECT NO. WM-451 NINE MILE VILLAGE TOWNHOMES** Member Swenson introduced the following Resolution seconded by Member Hulbert and moved its adoption:

RESOLUTION NO. 2006-12
SET PUBLIC HEARING DATE OF FEBRUARY 21, 2006,
FOR NINE-MILE VILLAGE WATERMAIN REHABILITATION PROJECT
IMPROVEMENT NO. WM-451

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EDINA, MINNESOTA, that a public hearing shall be held on the 21st day of February, 2006, in the Council Chambers at City Hall at 7:00 P.M. to consider Improvement No. WM-451 for Nine-Mile Village Water Main Rehabilitation.

BE IT FURTHER RESOLVED, that the City Clerk shall give mailed and published notice of such hearing and improvements as required by law.

ADOPTED this 17th day of January, 2006.

Motion carried on rollcall vote – five ayes.

MASSING TASK FORCE MEMBERS APPOINTED Mayor Hovland reminded the Council at their January 3, 2006, meeting, two appointments were made to the Massing Study Task Force. Dennis Maetzold was appointed as Chair and Michael Schroeder, Land Use Planner as the representative from the Planning Commission. Staff was given the authority to hire a consultant to facilitate the study at a cost not to exceed \$15,000 with an end date for the study of May 16, 2006. After a brief discussion, the Task Force would be comprised of between five and seven members. Mayor Hovland suggested appointing the following residents to the Task Force; Architect Tim McIlwain, Attorney and Member of the Board of Appeals William Skallerud, Attorney John Wheaton and Realtor Margie Sampsell.

Member Swenson made a motion appointing the following residents to serve on the Massing Study Task Force; Tim McIlwain, William Skallerud, John Wheaton and Margie Sampsell. Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***CONFIRMATION OF CLAIMS PAID** Member Hulbert made a motion and Member Hulbert seconded the motion approving payment of the following claims as shown in detail on the Check Register dated January 4, 2006, and consisting of 26 pages: General Fund \$310,216.71; Communications Fund \$3,707.66; Working Capital Fund \$16,176.07; Art Center Fund \$1,702.80; Golf Dome Fund \$2,070.97; Aquatic Center Fund \$98.94; Golf Course Fund \$2,210.75; Ice Arena Fund \$10,882.96; Edinborough/Centennial Lakes Fund \$12,455.27; Liquor Fund \$267,943.08; Utility Fund \$294,217.79; Storm Sewer Fund \$442.00; Recycling Fund \$788.10; PSTF Agency Fund \$2,584.19; TOTAL \$925,497.29; and for Confirmation of Claims Paid as show in detail on the Check Register dated January 11, 2006, and consisting of 26 pages; General Fund \$146,947.57; Communications Fund \$26,218.17; Working Capital Fund \$1,411.38; Art Center

Fund \$7,945.79; Golf Dome Fund \$7,819.14; Aquatic Center Fund \$430.70; Golf Course Fund \$23,502.50; Ice Arena Fund \$19,473.02; Edinborough/Centennial Lakes Fund \$3,159.32; Liquor Fund \$137,557.30; Utility Fund \$18,030.57; Storm Sewer Fund \$637.70; Recycling Fund \$20.00; PSTF Fund \$2,059.66; TOTAL \$395,212.82.

Motion carried on rollcall vote -five ayes.

CAPITAL IMPROVEMENT PROGRAM (CIP) 2006-2010 ADOPTED Mr. Hughes noted the Council had reviewed the Capital Improvement Program at the Council Meeting on January 3, 2006. Some questions were raised at that meeting about the 'Flowrider' addition to the Aquatic Center. Mr. Hughes said information responding to those questions had been included in the packet. Mr. Hughes said in response to questions about the Courtney ball field's renovation and concession stand proposed for 2006, the Council leave the project in as proposed, but suggested staff would prepare a feasibility report for Council consideration before any final design was brought forward.

Member Housh thanked staff for the additional information on the 'Flowrider' and asked for the financing source. Assistant Park Director MacHolda explained the ride would be purchased from accumulated funds and no monies would need to be borrowed. Member Housh asked if there was a designed space in the pool area for just sitting, observing or reading. Mr. MacHolda indicated the proposed ride would be constructed in the area near the loading dock and that he hoped low-rise bleachers would be constructed near the ride for observers.

Member Masica asked from the information provided how actual attendance at the Aquatic Center would generate fewer dollars. Mr. MacHolda replied that weather was a big factor in the Aquatic Center's annual revenues, but his guess was that season ticket holders used the center more often in 2005. Member Masica asked for some figures on the sale of concessions. Mr. MacHolda said approximately \$84,000 in concessions were sold in 2005. Mr. MacHolda explained further about the composition, the life-expectancy and the winter storage of the 'Flowrider'.

Member Swenson stated her hope that the improvements to Courtney Fields can be accomplished sooner rather than later.

Member Housh asked if participating athletic associations could be involved in getting the facility completed both with planning and financial help. Mr. Hughes said Director Keprios has asked the associations for input and will continue to do so through the design stage.

Member Housh confirmed that the CIP program was actually a one year budget and a four year program. Mr. Hughes said yes.

Member Housh made a motion approving the Capital Improvement Program for years 2006 - 2010 as presented.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

AWARD OF BID FOR ROUGH ROTARY MOWER - BRAEMAR GOLF COURSE Motion made by Member Swenson for award of bid for a rough rotary mower for Braemar Golf Course to recommended bidder, Turfwerks, under Minnesota State Contract #434107, at \$37,559.36. Member Masica seconded the motion.

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Member Masica inquired if the Park Department had an approximate cost of this mower and what was its life expectancy. Director Keprios said the mower should last approximately ten years and was purchased through the Minnesota State Contract.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

AWARD OF BID FOR FOUR GREENSMOWERS - BRAEMAR GOLF COURSE Member Masica made a motion for award of bid for four greens mowers for Braemar Golf Course, to MTI Distributing Company, under Minnesota State Contract #434113, at \$76,300.86. Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

AWARD OF BID FOR CONTRACT NO. 05-6, CLEANING, REPAIRING AND PAINTING OF VAN VALKENBURG WATER TOWER, IMPROVEMENT NO. WM-435 Motion made by Member Swenson approving the award of bid for Contract No. 05-6, cleaning, repairing and painting of Van Valkenburg water tower, Improvement No. WM-435, to recommended low bidder, Odland Protective Coatings, Inc., at \$516,500.00. Member Hulbert seconded the motion.

Member Masica asked how often this cleaning, repairing and painting was done. Mr. Houle said approximately every 15 - 20 years. Mr. Hughes said funds for the project were from utility fund and were supported from the water/sewer rates.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

AWARD OF BID FOR CONTRACT NO. PW-05-2, SANITARY SEWER LIFT STATION NO. 3 PUMPING FACILITY RENOVATION, IMPROVEMENT NO. LS-35 Member Swenson made a motion approving the award of bid for Contract No. PW-05-2, sanitary sewer lift station No. 3, pumping facility renovation, Improvement No. LS-35, to recommended low bidder, Meisinger Construction Co., Inc. at \$62,000.00. Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

PETITION RECEIVED REQUESTING INSTALLATION OF STREET, CURB, GUTTER, SIDEWALK, STORM SEWER, WATERMAIN AND STREET LIGHTING FOR 7311 FRANCE AVENUE SOUTH Member Masica removed the petition for further information. But her questions were answered during the discussion about developer participation in infrastructure. Motion made by Member Masica and seconded by Member Hulbert approving receipt of a petition requesting installation of street, curb, gutter, sidewalk, storm sewer, watermain and street lighting for 7311 France Avenue South, being developed by Cypress Equities and to refer the petition to the Engineering Department for processing as to feasibility.

Motion carried on rollcall vote - five ayes.

CONCERN OF RESIDENT

Gene Persha, 6917 Cornelia Drive, asked at which meetings in the future the public would be able to speak to issues on the agenda. Member Swenson said comments about the Southdale Study will be accepted at the February 7, 2006, Council Meeting and comments about Ordinance changes would be heard on February 21, 2006. Mr. Persha asked where he could get the final

Southdale Study. Mayor Hovland said the study was on the Edina website. Mr. Persha suggested residents handle fund raising for the City rather than the City Manager because of the perception that might be considered. Mr. Persha asked if a Special Council Meeting was going to be held prior to the next Council Meeting on the Southdale Study. Mayor Hovland said the Southdale Study will be the only public hearing on the Council Agenda on February 7, 2006.

John Bohan, 800 Coventry Place, questioned Agenda Item VI.A. Receive Petition from Bertram Minor requesting Street, Curb, Gutter, Sidewalk, Storm Sewer, Watermain and Street Lighting for 7311 France Avenue South and how it relates to the Cypress Properties proposal. Mr. Hughes at the time the Cypress Properties received preliminary approval, one condition was that either easements had to be obtained to gain access along the north property line or they would need to petition for a public road to serve that portion of the property. The City has received a petition to pursue a public road to gain access to the Cypress site. The City's process was to refer that petition to the Engineering Department to complete a feasibility study. Following completion of the study, a public hearing was called at a Council meeting and the improvement was ordered. Mr. Hughes said the benefited property owner would be assessed one hundred percent of the cost of the right-of-way.

'CONCERNS OF RESIDENT'S' LOCATION ON AGENDA DISCUSSED Member Hulbert said she would like the 'Concerns of Resident's' portion of the Council agenda to be near the beginning of the agenda rather than at the end. Mayor Hovland reminded the Council that this concept had been discussed previously with the suggestion that Concerns of Residents be held at 6:30 P.M., prior to the Council Meeting at 7:00 P.M. Member Hulbert said she would prefer the 'Concerns' part of the agenda be at 7:00 P.M. Mr. Hughes informed the Council that City Ordinance prescribes that public hearings be heard first at a Council meeting. He added not all residents want to express their concerns on television. Member Housh suggested opening up a portion of a work day to meet with residents. Member Hulbert stated she would change the ordinance allowing 'Concerns of Resident's' to be the first thing on the agenda. Member Masica said she believes persons who speak during the 'Concerns of Resident's' portion of the minutes do want to have their comments on television. She stated if the 'Concerns' portion of the agenda order can not be changed; she suggested leaving it where it is. She added that whatever was decided, the public must be notified of the changes. Mayor Hovland reiterated that he does not recall a resident ever requesting a change in the public hearing process. Member Masica said as a body, no public testimony on a topic would be taken until the public hearing.

Council consensus directed staff to develop options for placement of the 'Concerns of Resident's' location on the Council Agenda and to bring it back for discussion at the February 7, 2006, regular Council meeting.

SPECIAL CONCERNS OF MAYOR AND COUNCIL Member Hulbert questioned where the process was concerning the solicitation for insurance carriers for the City of Edina. Member Housh commented that Request for Proposal's were presently in the insurance carrier's hands. Member Hulbert stated the City Attorney's contract should be reviewed. Member Masica suggested reviewing vendor and consultant relationships every five years.

Member Masica suggested having both the recycling containers and the refuse containers at the garage for collection, to stop the confusion. She said she believed the additional cost would be minimal and may encourage more residents to recycle. Mr. Hughes noted that the recycling

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contract has alternative prices for curbside or garage side pickup. The City's Ordinance requires that recycling be placed at the curb and would require an amendment to be changed.

Member Masica indicated that residents need to be informed about every aspect of when they were able to speak

MANAGER'S MISCELLANEOUS ITEMS Mr. Hughes indicated the Public Art Committee has expressed an interest in meeting with the Council. He suggested a 5:30 P.M. meeting be scheduled on February 7, 2006, in the Community Room.

DATE OF BOARD OF REVIEW DATE CHANGED TO APRIL 17, 2006 Mr. Hughes reminded the Council they had previously set April 10, 2006, as the hearing date for Board of Appeal and Equalization but a conflict has developed with that date.

Following a brief Council discussion, the date was changed to April 17, 2006, at 5:30 P.M. in the Council Chambers.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:05 P.M.

City Clerk